

# **EXHIBIT 1**

**Fumerton, Tara A.**

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**From:** David R. Cohen (David@SpecialMaster.Law) <david@specialmaster.law>  
**Sent:** Monday, December 9, 2019 2:09 PM  
**To:** Peter H. Weinberger; Kobrin (External), A.; edelinsky@Zuckerman.com; Swift (External), M.  
**Cc:** Kaspar Stoffelmayr; Bush (External), W.; Johnson (External), D.; Moore (External), Kelly A.; Barnes (External), M.; Fumerton, Tara A.; Tabacchi, Tina M.; smiller@zuckerman.com; McEnroe (External), Elisa P.; Desh (External); Singer (External), Linda; Conroy (External), Jayne; Paul Farrell; Mougey, Peter; akearse@motleyrice.com; Rice (External), Joseph F.; Elsner, Mike (melsner@motleyrice.com); Sheila Schebek; Shkolnik (External), Hunter; Fuller, Mike  
**Subject:** Re: CT 1 b. discovery

Dear Counsel:

I just finished meeting with Judge Polster, during which time we discussed (among other things) Track 1B discovery, including discovery of transactional data.

The Judge finally concluded that discovery of transactional data from the pharmacies should generally be analogous to the Track 1 transactional data discovery from the distributors - that is, the ARCOS data. Accordingly:

The temporal scope will be back to 1996 (despite his suggestion otherwise at Friday's conference).

The geographic scope will be national. Defendants will first produce Ohio data, as quickly as possible; then regional data including West Virginia and Kentucky data; and then roll out the rest of the country. If it is less expensive or quicker, defendants must simply produce all national data.

Defendants should also produce as soon as possible their relevant policies, including those addressing pharmacists' responsibility at the pharmacy counter and prescriber monitoring.

Finally, each defendant should please produce its data dictionaries/fields in advance of **this week's** M&Cs, and each defendant needs to contact plaintiffs immediately to schedule this M&C if it has not yet done so. Times I am not available to participate in a M&C this week are:

Tues - after 4:00p

Thurs - 11:00-1:00

Fri - after 4:00p

I am also available this weekend.

-David

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